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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE JOHN COX,

Defendant.

CASE NO. 1:22-cr-00214 NODJ-BAM

STIPULATION TO RESET CHANGE
OF PLEA HEARING; FINDINGS AND
ORDER

Date: September 25, 2024
Time: 9:00 a.m.
Judge: TBD
Courtroom No. 5

STIPULATION

The United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on August 26, 2024 at 9:00 a.m.

2. By this stipulation, the parties now move to continue and reset the matter for change of plea before the Court for **September 25, 2024, at 9:00 a.m.**, and to exclude time between the date of this stipulation and August 26, 2024 under 3161(h)(7)(A), (B)(ii), B(iv) [Local Codes T2 and T4].

3. The parties agree and stipulate, and request that the Court find the following:

a. The parties anticipate finalizing plea documents and submitting them to the Court in

1 the near future. However, defense requires additional time to prepare defendant for the change of
2 plea hearing and to address any additional questions from his client in preparation for a change of
3 plea. The earliest future date for a reset change of plea hearing is September 25, 2024. Thus, the
4 parties request that the current change of plea hearing be continued and reset to September 25, 2024,
5 at 9:00 a.m.

6 b. By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. §
7 3161, et seq., through and including August 26, 2024. The parties also request that time be excluded
8 under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., from the date of this stipulation through and
9 including September 25, 2024, to allow defendant to continue to consult with counsel, and to prepare
10 for and attend a change of plea hearing, and for the Court's consideration of forthcoming plea
11 documents.
12

13 c. Counsel for defendant believes that failure to grant the above-requested
14 continuance/time exclusion would deny them the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence.
16

17 d. The government does not object to, agrees to, and jointly requests the
18 continuance/time exclusion.

19 e. Based on the above-stated findings, the ends of justice served by continuing the case
20 as requested outweigh the interest of the public and the defendant in a trial within the original date
21 prescribed by the Speedy Trial Act.

22 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
23 seq., within which trial must commence, the time period of the date of this stipulation to September
24 25, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
25 3161(h)(7)(B)(i) and (iv) [Local Codes T2 and T4] because it results from a continuance granted by
26 the Court at defendant's request on the basis of the Court's finding that the ends of justice served by
27
28

1 taking such action outweigh the best interest of the public and the defendant in a speedy trial.

2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
3 the Speedy Trial Act dictate that additional time periods are excludable from the period
4 within which a trial must commence.

5 IT IS SO STIPULATED.

6 DATED: August 23, 2024

By: /s/Mark W. Coleman
MARK W. COLEMAN
Attorney for Defendant
TERRANCE JOHN COX

10 DATED: August 23, 2024

11 /s/ Henry Z. Carbajal III
HENRY Z. CARBAJAL III
Assistant United States Attorney

13 **ORDER**

14 IT IS SO ORDERED that the change of plea hearing is continued from August 26, 2024, to
15 **September 25, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time is
16 excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

18 IT IS SO ORDERED.

19 Dated: August 23, 2024

20 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE